

Remarks

Applicants have amended the specification to reflect the claim for priority as claimed in the declaration submitted with the application. Certified copies of the priority documents have been requested from our Australian associate and will be provided as soon as received.

New claim 23 has been added and claim 5 cancelled. Claims 1-23 (less claim 5) are generally directed to a disposable credit card system and associated method and electronic media. Support for the claims can be found in the specification as originally filed. No new matter has been added.

Applicants at the outset wish to state that the present amendment may not be found to be perfectly responsive to the outstanding non-final office action issued April 18, 2003 in parent application USSN 09/604,689. An amendment has been made to substantially comply with United States Patent Office requirements and to avoid a first office action final in the continuation application filed herewith. Applicants have made a good faith effort to amend the claims and expect the first office action in the present application to be non-final. Per M.P.E.P. 706.07(b), with entry of this preliminary amendment, it is not the case that "all claims of the new application are drawn to the same invention claimed in the earlier application."

The Examiner has rejected claims 1, 13 and 22 as containing non-statutory subject matter under 35 U.S.C. 101. Claim 1 has been amended to clarify that the claim 1 invention is directed to a system and claim 13 has been amended to clarify that the claim 13 invention is directed toward a "server" as supported by the specification. Applicants will not debate whether a "service" includes "hardware". The requirement that claim 22 must include "software" or computer code is respectfully traversed. The invention is described as a medium to perform a method and the method having steps which steps may be implemented under software control. Review of claim 13 is respectfully considered in this light.

Claim 1 has been combined with claim 5 and written in independent form. The Examiner has rejected claim 5, taking "official notice" of the recited steps. Applicants respectfully traverse the assertion. The M.P.E.P. 2144.03 states that official notice may be taken of facts outside the record capable of instant and unquestionable demonstration as being "well-known" in the art. "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." The facts "must be supported, when called for by the applicant, by an affidavit from the

examiner." The Examiner is requested to take appropriate measures the Examiner deems appropriate in view of applicants' traversal.

Applicants thank the Examiner for pointing out the typographical error in claim 8. Claim 8 has been corrected and the objection of paragraph 5 to claim 8 is believed overcome.

Should the Commissioner find that a fee is due for this preliminary amendment, authorization is hereby given to charge any such fee, except the issue fee, to Deposit Account 19-0733.

If the Examiner has any questions or wishes to discuss this amendment, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,

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